

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANTHONY C WILLIAMS
Claimant

SHORT STAFFED INC
Employer

APPEAL NO. 20A-DUA-00574-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/21/20
Claimant: Appellant (5)

Public Law 116-136, Section 2102 – Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

Anthony Williams filed a timely appeal from the September 21, 2020 Assessment for PUA Benefits that denied Pandemic Unemployment Assistance (PUA) benefits, based on the deputy's conclusion that the claimant was not unemployed, partially unemployed, or unable or unavailable for work for one of the qualifying reasons identified under section 2102(a)(3)(A)(ii)(I) of the CARES Act. After due notice was issued, a hearing was held on December 10, 2020. Mr. Williams participated and was represented by attorney Grant Beckwith. Mr. Beckwith presented testimony through Mr. Williams and through Shannon Peter. The hearing in this matter was consolidated with the hearing in Appeal Number 20A-UI 12343-JTT. Exhibits 1 through 4 and Department Exhibits D-1 through D-12 were received into evidence.

ISSUE:

Whether the claimant is eligible for PUA benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective June 21, 2020. Iowa Workforce Development determined the claimant met the minimum earnings requirements to be monetarily eligible for regular unemployment insurance benefits.

On September 4, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified the claimant for unemployment insurance benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with Short-Staffed, Inc. on June 9, 2020 without good cause attributable to that employer. The September 4, 2020, reference 01, decision has been reversed in favor of the claimant in Appeal Number 20A-UI 12343-JTT to allow regular benefits to the claimant, provided he meets all other eligibility requirements.

On September 8, 2020, the claimant applied for Pandemic Unemployment Assistance (PUA) benefits. On September 21, 2020 Assessment for PUA Benefits that denied Pandemic

Unemployment Assistance (PUA) benefits. On October 2, 2020, the claimant filed a timely appeal from the PUA denial decision.

Iowa Code section 96.4(4)a provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

The claimant met the base period minimum earnings requirements and is monetarily eligible for regular unemployment insurance benefits funded by the State of Iowa.

Public Law 116-136, the CARES Act, at Section 2102, provides for unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. Section 2012 provides Pandemic Unemployment Assistance PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. PL 116-136 Section 2102(a), (b) and (c), provide as follows:

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS. — In this section:

(3) COVERED INDIVIDUAL. — The term “covered individual”—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; and

(ii) provides self-certification that the individual— (I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual’s household has been diagnosed with COVID–19;

(cc) the individual is providing care for a family member or a member of the individual’s household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID–19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID–19;

(ii) the individual has to quit his or her job as a direct result of COVID–19;

(jj) the individual’s place of employment is closed as a direct result of the COVID– 19 public health emergency; or

(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or

(II) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (I); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or

(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(I).

(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID– 19. —

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

(c) APPLICABILITY. —

(1) IN GENERAL. — Except as provided in paragraph (2), the assistance authorized under subsection (b) shall be available to a covered individual — (A) for weeks of unemployment, partial unemployment, or inability to work caused by COVID–19— (i) beginning on or after January 27, 2020; and (ii) ending on or before December 31, 2020; and (B) subject to subparagraph (A)(ii), as long as the covered individual’s unemployment, partial unemployment, or inability to work caused by COVID–19 continues.

(2) LIMITATION ON DURATION OF ASSISTANCE.—The total number of weeks for which a covered individual may receive assistance under this section shall not exceed 39 weeks and such total shall include any week for which the covered individual received regular compensation or extended benefits under any Federal or State law, except that if after the date of enactment of this Act, the duration of extended benefits is extended, the 39-week period described in this paragraph shall be extended by the number of weeks that is equal to the number of weeks by which the extended benefits were extended.

The claimant is not eligible for PUA benefits. In Appeal Number 20A-UI-12343-JTT, the disqualification that prevented the claimant from receiving regular benefits in connection with his June 21, 2020 original claim was reversed in favor of the claimant, such that the claimant was deemed eligible for regular benefits, provided he met all other eligibility requirements. Accordingly, the claimant does not meet the PUA eligibility requirement set forth at Section 2102(a)((3)(A)(i) of the CARES Act, which requires a claimant who “is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation.”

DECISION:

The September 21, 2020 decision is modified without changing the determination that the claimant is not eligible for Pandemic Unemployment Assistance (PUA) benefits. The claimant cannot be considered for PUA benefits because he has been deemed eligible for regular benefits, provided he meets all other eligibility requirements.



James E. Timberland
Administrative Law Judge

February 1, 2021
Decision Dated and Mailed

jet/mh